

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

John Folks,

Plaintiff,

v.

Thomas Carroll, Warden,
Defendant.

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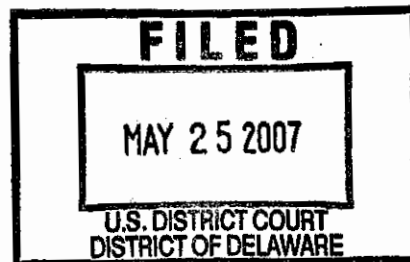
Civil Action No.

07-334

MOTION FOR APPOINTMENT OF COUNSEL


Plaintiff John Folks pursuant to 28 U.S.C. § 1915, requests this court to appoint counsel to represent petitioner in the above-entitled action for the following reasons:

1. The plaintiff is unable to afford counsel.
2. The issues involved in this case are complex.
3. The complaint in this case alleges that the defendant's subject plaintiff to further detention.
4. The plaintiff's allegations, if proved, clearly would establish a constitutional violation.
5. In deciding whether to appoint counsel for an indigent litigant, the court should consider "the factual complexity of the case, the ability of the indigent to investigate the facts, the existence of conflicting testimony, the ability of the indigent to present his claim and the complexity of the legal issues." In addition, courts have suggested that the most important factor is whether the case appears to have merit.
6. Petitioner is a laymen at law and does not have the skills, experience or ability to properly litigate his case.



For the foregoing reasons, the court should grant the plaintiff's motion and appoint counsel in this case.

Date: 5-23-07



John Folks
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

John Folks,)	
Plaintiff,)	
)	
v.)	Civil Action No.
)	
Thomas Carroll, Warden,)	
Defendant.)	

ORDER

IT IS HEREBY ORDERED, THIS ____ DAY OF _____, 20 ____, THAT THE ATTACHED MOTION FOR APPOINTMENT OF COUNSEL HAS BEEN READ AND CONSIDERED. IT IS ORDERED THAT THE MOTION IS HEREBY _____.